



## **CONSUMER NOTICE**

### **Residential Swimming Pools, Spas, and Hot Tubs 2016 California Building Code Section 3109.4.4. Residential Swimming Pools.**

**Definitions.** For the purpose of this article, the terms noted shall be deemed to have the meaning ascribed to them as follows:

**APPROVED SAFETY POOL COVER** means manually or power-operated pool covers for swimming pools that meet all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with Standard F-1346-91.

**CLIMBABLE FENCE, WALL, STRUCTURE OR BARRIER** means any fence, wall, structure or barrier with any protrusion(s), indentation(s), cut-out(s) or the like which render the fence, wall, structure or barrier easily climbable by a child below 5 years of age, as determined by the Building Official.

**ENCLOSURE** means fences, walls, or other barrier that isolates a swimming pool from access from the dwelling and adjoining public or private property.

**EXIT ALARM** means an approved listed device that makes audible, continuous alarm sounds when the door to which it is attached is opened or left ajar. Exit alarms shall be installed on any door providing direct access to the swimming pool from the home. Exit alarms may be battery operated or may be connected to the electrical wiring of the building. Exit alarm devices shall be installed at a minimum height of 54 inches above the finished floor, so that they may be considered out of reach to smaller children.

**SWIMMING POOL or POOL** means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. Swimming pool includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas and non-portable wading pools.

**Sec. 3109.4.4.2. Construction Permit; Safety Features Required.** Whenever a construction permit is issued for construction of a new swimming pool, or remodeling of an existing swimming pool at a private single-family home, duplex or planned unit development it shall be equipped with at least two of the following drowning prevention safety features:

1. The pool shall be isolated from access to a home by an enclosure that meets the specifications and requirements of CBC Section 3109.4.4.3.
2. A removable mesh pool fence approved by the Building Official and meets ASTM Std F2286 in conjunction with a self-closing self-latching gate and can accommodate a key lockable device.
3. An approved safety pool cover that meets all requirements of ASTM Std F1346.
4. Exit Alarms on those doors providing direct access to the pool.
5. Self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors providing direct access from the residence.
6. Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance to the water and meets ASTM Std F2208.
7. A natural or artificial barrier that the Building Official determines will provide protection equivalent to the above.

**Section 3109.4.4.3 Enclosure; Required Characteristics.** A swimming pool enclosure shall have **all** of the following characteristics:

1. Access gates shall open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches above the ground.
2. The enclosure shall be a minimum height of 60 inches.
3. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches.
4. Gaps, voids or openings shall be less than 4 inches.
5. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier.
6. Chain link may be used with a maximum mesh size of 2.25 square inches and openings are not greater than 1.75 inches.

All pedestrian access gates opening through such enclosure shall open away from the pool and shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such gate (or door) securely closed and latched at all times when not in actual use. Gates, other than pedestrian access gates such as equipment or vehicular access gates, may be equipped with hardware capable of locking and are required to remain locked when not in use.

Any single-family dwelling or other building on the premises may be incorporated in and considered as constituting a portion of the required enclosure provided all doors providing direct access from the dwelling or other building to the swimming pool are equipped with exit alarms installed at least 54 inches above the finished floor.

Glazing in walls and fences used as the barrier shall be approved safety glazing when the bottom edge is less than 60 inches above the walking surface on the pool side of the glazing, and within 60 inches horizontally from the water's edge of the swimming pool or spa.

A lake or other private body of water that provides a degree of protection that would prohibit smaller children from accessing the swimming pool may be incorporated in and considered a portion of the required enclosure provided all of the following criteria are met:

No public access to said body of water is permitted through private property, except as private guests of such persons in possession.

Access to the rear yard of such lot from the neighboring properties is completely blocked by a non-climbable fence, wall, or structure in accordance with the enclosure characteristics of section 3109.4.4.3, or other barrier approved by the governing authority that provides the same degree of protection afforded by this code.

Where docks or other occupied spaces are existing or constructed beyond the edge of the contiguous body of water and are within three feet (3') of a neighboring property line the fence must extend to the farthest extent of the dock or other occupied space.

**Prior to the pool being plastered or filled with water an enclosure barrier, enclosure fencing, self closing devices, exit alarms, safety glazing, and safety hardware for gates or doors and any other protected openings or safety devices shall be in place, inspected and approved.**

**AGREEMENTS TO BUILD; NOTICE OF PROVISIONS:**

**Any person entering into an agreement to build a swimming pool or spa shall give the consumer notice of the requirements of this article.**

**Reference: Health and Safety Code Section 115924**

**Authority: Health and Safety Code Section 18942(b)**

**AB 3305, Statutes 1996, c.925**

**AB 2977, Statutes 2006, c.478**

**AB 382, Statutes 2007, c.596**

**Job**

**Address:** \_\_\_\_\_  
No. Street City State Zip

**Pool**

**Contractor:** \_\_\_\_\_  
Company

**Permit**

**Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Signature Mo. Day Yr.

**NOTICE**

**The Contractor acknowledges by his/her signature receipt of this Notice and further acknowledges that they shall provide a copy of such Notice to the property owner for whom the work is being performed.**